

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Muhammad W.K. Abdul Qadir,

PLAINTIFF,

vs.

Latrell S. Wilson; Donald Martin; Sgt. Roy Drake; Cheraw City Police Department; Insurance Adjustor Rodney Spain; Progressive Direct Insurance; Unknown Federal U.S. Postal Employees; Attorney David H. Maybank; Attorney Bradley L. Lanford; Attorney Michael T. Coulter; Attorney Raymond D. Turner; Anderson Used Auto Parts (All-State), unknown owner; Credit Collection Services Commercial; South Carolina Department of Motor Vehicles; Judge Roger Henderson; Alan Wilson, S.C. Attorney General; and Unknown Processors; All of the Above Defendants acting individual capacity as well as co-conspirator of the conspiracy,

DEFENDANTS.

Case No. 4:17-cv-02193-TLW

ORDER

Plaintiff Muhammad W.K. Abdul Qadir, proceeding *pro se* and *in forma pauperis*, filed this action alleging various claims against the Defendants, who allegedly conspired to frame Plaintiff for a traffic ticket after a minor car accident as part of a false insurance claim. ECF No. 1. The case was assigned to a Magistrate Judge, who issued a Report and Recommendation (R&R) recommending that all Plaintiff's claims be dismissed. ECF No. 9. Plaintiff then filed motions to appoint counsel and for leave to amend. ECF Nos. 18, 19. Subsequently, the Court entered an Order adopting the Magistrate Judge's R&R and denying Plaintiff's motions to amend his complaint and to appoint counsel. ECF No. 20. Plaintiff then timely filed a notice of appeal. ECF No. 24. While the appeal was pending, Plaintiff also filed a motion for relief from the judgment pursuant to Rule 60 of the Federal Rules of Civil Procedure and to stay the appeal. ECF No. 29.

Recently, the Fourth Circuit dismissed the appeal and remanded the case for this Court to determine whether to allow an amended complaint or dismiss the action with prejudice. ECF No. 32.

In light of the Fourth Circuit's opinion, this case is remitted to the Magistrate Judge to prepare an R&R and address the issues raised in the opinion and in the case of *Goode v. Central Virginia Legal Aid Society, Inc.*, 807 F.3d 619, 624 (4th Cir. 2015). Specifically, the case is remitted so that the Magistrate Judge can make a recommendation of whether "to afford Qadir another opportunity to file an amended complaint or dismiss the complaint with prejudice." ECF No. 32 at 3.

Additionally, Plaintiff seeks relief from the district court's judgment under Rule 60(b). Fed. R. Civ. P. However, in light of this decision, the Court finds Plaintiff's motion for relief under Rule 60, ECF No. 29, is hereby **MOOT**.

IT IS SO ORDERED.

s/Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

April 5, 2019
Columbia, South Carolina